

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL ON WEDNESDAY, APRIL 10, 1996.**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
Joseph Elliot
Peter Lilienfield, Acting Secretary

Members

Absent: William Bush

Also Present: John Kirkpatrick, Special Counsel to
the Planning Board
Brenda Livingston & William Hoffman, Ad Hoc
Planning
Board Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Desiree Garvin, Court Reporting Services,
for Mercy College
& Westwood Development Associates
Peter Oley, E.C.B. Member
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 90-07 -- Wells Subdivision
Sht. 13B, P-19
94-03 -- Westwood Development Associates,
Inc.
Sht. 10,11, Lot 25,25K,P25J2
94-14 -- Holy Spirit Association for the
Unification of
World Christianity - East Garden
Subdivision
95-23 -- Mercy College
Sht. 9, P-44,45,46,47,48,49
96-01 -- RR Irvington Associates
Lot #42
96-06 -- Holy Spirit Association for the
Unification of
World Christianity
Lot #2

**96-07 -- Fazlollah Moqtaderi - Informal
Discussion**

Sht. 12A, P-94A, 95-A

The Chairman called the meeting to order at 8:00 P.M.

**IPB Matter #90-07:
Subdivision for**

**Application of Wells
determination of Site Capacity,
review of SEQRA
requirements, and Preliminary Sub-
division Approval for property at
Lewis Road.**

Gerald Reilly, Esq., appeared on behalf of the application and provided evidence of mailing to Affected Property Owners of a Notice of Public Hearing on this application scheduled for this meeting. The Chairman opened the Public Hearing, with Mr. Reilly describing the proposal based on a plan entitled "Preliminary Plat of the Wells Subdivision", prepared by Kenneth B. Salzman, Land Surveyor, dated September 18, 1989, revised October 1, 1990. He reviewed the history of the property, including the prior decisions of the Planning Board, Zoning Board of Appeals, and subsequent judicial reviews, and indicated that there had been no physical change to the property since the previous requests.

The Chairman read a letter from the ECB, dated 3/26/96, which addressed the Open Space Inventory, the site's topography, the need to clarify if the adjoining house is listed on the National Register of Historic Places, compliance's with Best Management Practices, and access off of Emory Road. These issues were all addressed by the Applicant and the Board. Several questions were asked by members of the public in attendance regarding various aspects of this Application.

The Board, on motion duly made, seconded, and unanimously approved, determined that the property's Site Capacity, recognizing the previous Zoning Board of Appeals variance regarding site area, is for 2 dwelling units. The Board then determined that the proposed subdivision was an Unlisted Action under SEQRA, and on motion duly made, seconded, and unanimously approved, made a Negative Declaration. Additional discussion was held on the proposed subdivision, including access to the

site and a limitation on the Emory Road pavement. The Chairman indicated that the Board was not approving the notes shown on the plat, and asked Mr. Reilly to provide a draft resolution.

On motion duly made, seconded and unanimously approved, the Board granted preliminary subdivision approval.

IPB Matter #94-03:
Development

Application of Westwood

Associates, Inc., for Limited

Site Development

Plan Approval for property at

Broadway,

Riverview Road and Mountain Road.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. Discussions involved the Escrow Account, which the applicant indicated was in the process of being worked on with the Village. The outstanding invoices have reportedly been paid (with several exceptions) although the escrow agreement has not been finalized. Additional funding will follow signing.

Mr. Steinschneider indicated that the Draft Environmental Impact Statement was being reviewed by the Applicant's consultants prior to submission to the Board. He also indicated that discussions were on-going with the School Board regarding the application. The Chairman read a letter from Mr. Birgy to Mr. Steinschneider, dated April 4, 1996 dealing with the receipt of information from the applicant and several issues regarding the proposal. Mr. Steinschneider indicated that he had responded to the letter, and clarified that the proposal being submitted dealt with the actual fee simple transfer of School property to Westwood. Mr. Steinschneider also indicated that the revised Conventional Subdivision plans had been submitted to Mr. Mastromonaco with the appropriate professional licenses/stamps.

IPB Matter #96-01:
Associates for

Application of RR Irvington

continued hearing of Site

Development Plan

**Approval for Lot #42, Irvington
Manor/
Bracebridge Subdivision.**

James Ryan, and Robert Houlihan, appeared for the Applicant. This is a continuation of the public hearing for final Site Development Plan Approval for Lot #42. Mr. Lilienfield recused himself from all actions regarding this proposal. The Applicant had previously paid an application fee of \$250 and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. Mr. Ryan described the proposal, and provided the Board with a new drawing (labeled SDP42, revised 3/22/96) and a new "Site Sections" dated 3/20/96. These plans show a lowering of the floor level of the garage, which in turn allowed a reduction in the slope from the drive to the property line. New landscaping was shown, as was a section through the property and house.

Additional discussion centered on the further lowering of the finished floor level of the first floor, which the applicant indicated could not be accommodated due to subsequent changes that would need to be made to the entrance drive. Additional comments were received from Mr. Perillo, the adjoining property owner to the north, with regard to alternative plans for this site, and the view from his property. (Note: the hearing on this item was temporarily adjourned, and was reconvened after the remaining items on the IPB agenda were heard; for purposes of this record, these minutes continue as if the adjournment had not occurred). Following further discussion, the applicant agreed to place additional plantings in the area between the driveway and the retaining wall to increase the buffer between the subject and the neighboring property.

Members of the Board indicated that while they still had reservations regarding the plan, it was clear that the revisions had resulted in a plan that was considerably better than originally conceived. On motion duly made, seconded, and unanimously approved, the Board approved the revised application.

**IPB Matter #94-14:
Association for the**

**Application of Holy Spirit
Unification of World Christianity
for East**

**Garden Subdivision for Final
Subdivision
Approval.**

Norman Sheer, Esq., Michael Sterlacci, Consulting Engineer, and Michael Inglis, Project Manager, appeared on behalf of the application. Applicant provided a check in the amount of \$400.00 (\$100.00 plus \$50.00 per lot for the six proposed dwelling units) and an Affidavit of Mailing and Publication of the notice of public hearing for final subdivision approval. The Chairman opened the public hearing. The applicant indicated that there were minor changes to the plan previously submitted, with the main item being that the sewer service for Lots 3 and 4 would now be via Center Street. Mr. Sterlacci indicated that most of the engineering issues had been resolved with Mr. Mastromonaco, and that several notes were to be added to the final plat. The Chairman received several comments from the public, which involved elements previously addressed by the Board.

Mr. Sheer indicated that the change in the utility plan would result in the need to modify the proposed utility easements. The Chairman asked Mr. Sheer to make the appropriate changes, and to forward the revised easement for review. There being no further comment, the Chairman closed the Public Hearing and adjourned the hearing to the May meeting.

<u>IPB Matter #96-06:</u> Association for the for Site Approval for Lot #2, East Garden Subdivision.	Application of Holy Spirit Unification of World Christianity Development Plan
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Norman Sheer, Esq., and Michael Sterlacci, Consulting Engineer, appeared on behalf of the application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The application deals with the construction of the first single family residence on the East Garden Subdivision. The Board received drawings from Peter van Geldern, dated March 1996, and a letter from the ECB, dated March 26, 1996. The Chairman opened the Public Hearing, and agreed to the request by the applicant that discussion and consideration be deferred until the May meeting.

IPB Matter #95-23:
for Amendment/

Application of Mercy College
Renewal of Special Permits.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. The Village Counsel, Kevin Plunkett, recused himself from all matters relating to this application due to a conflict. Mr. John Kirkpatrick attended as Special Counsel for the Planning Board.

Matters discussed by the Board centered on a draft resolution that had been prepared by the Chairman, and circulated to both the Board and the Applicant for consideration. Additional modifications were discussed, along with a request by the Board for copies of pertinent easements, including the one detailing Our Lady of Victory's right to use the Mercy College parking lot near the main entrance. The Chairman also reviewed traffic data supplied by the Village of Irvington and Village of Dobbs Ferry police departments, and a letter from Tim Miller Associates (the Board's traffic engineers) to the Chairman, dated 3/25/96. This data appeared to contradict the assertion reportedly made in proceedings in Dobbs Ferry that the Our Lady of Victory entrance was more dangerous than the signalized intersection at the College's main entrance, which assertion reportedly was the reason Dobbs Ferry conditioned its approval of the use of the former Convent building as a College dormitory on closure of the Our Lady of Victory entrance road to College traffic

The Board spent additional time reviewing a drawing of the College's internal roadway system and discussing the access to and from Mercy College and adjoining properties. At issue is the creation of a mechanism by which the use of the main entrance into Mercy College at Langdon Avenue could be restricted to College traffic only. Further comment was raised by both the Board and the public as to methods by which the impact on adjoining property owners along Hudson Road East could be minimized. The hearing was adjourned to the May meeting.

IPB Matter #96-07:
Fazlollah Moqtaderi

Informal Discussion of

**regarding property at 1 Belmont
Road.**

The property owner appeared before the Board seeking advice with regard to his property, located along the Irvington/Dobbs Ferry municipal border off Langdon Avenue. The property actually straddles the border, with the improved portion of the lot in Irvington, and an unimproved portion in Dobbs Ferry. The owner is giving consideration to the subdivision of this property into 2 lots, however at issue is the means of access and frontage requirements for the proposed lot in Dobbs Ferry. The Dobbs Ferry portion has no direct street frontage. The outstanding issue is whether a small portion along Langdon Avenue could be subdivided from the remainder of the Irvington lot and attached to the Dobbs Ferry portion. The Chairman indicated that this involved a legal issue which would require referral to the Village Attorney, who serves in the same capacity for the Village of Dobbs Ferry.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on March 13, 1996, previously distributed, were, on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for Wednesday, May 1, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Acting Secretary

Peter Lilienfield,